The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

IMMIGRATION AND NATIONALITY ACT

The SPEAKER. The unfinished business is the further consideration of the veto message of the President of the United States, on the bill (H. R. 5678) to revise the laws relating to immigration, naturalization, and nationality; and for other purposes.

The SPEAKER. The question is, Will the House on reconsideration pass the bill the objection of the President to the contrary notwithstanding?

The gentleman from Pennsylvania [Mr. WALTER] is recognized.

Mr. WALTER. Mr. Speaker, I yield myself 20 minutes.

Mr. Speaker, I urge the House to override the veto and pass the bill H. R. 5678, the President's objections notwithstanding. I have gone very carefully over the lengthy veto message, and I have tried very hard to find in this elaborate opus certain points which would lend themselves to discussion, points that would be pertinent to the provisions of H. R. 5678. Unfortunately, it is impossible, because of the fictional and amateurish character of the message. Therefore, in discussing the veto message, I do feel that I am not discussing the Chief Exectuive's specific objections to the legislative measure now before us. I feel that I am discussing certain thoughts propounded by the President's ghost writers who have neglected to do one thing—to read the bill.

More than half of the veto message deals with the question of whether or not the United States needs more immigrants. The answer to the President's ghost writers is in the affirmative. They say that we need more immigrants to enter our country because our population has grown since 1924 when the quota system was established. In other words, the authors of this message believe that the more population a country has the more people it is able to absorb. This is a brand new argument and shall run counter to the internationally accepted theory, according to which underpopulated and not overpopulated countries offer resettlement opportunities for new immigrants.

Without stretching too much the Presidential ghost writer's argument, Italy, India, and Japan, and not Brazil, Canada, and Australia would be best suited to accept more immigrants.

This extravagant theory, coming to us right after the President's Commission found that we were running out of raw materials, provides for a rather strange illustration of the working of the mind of some of the Presidential advisers. As far as I am concerned, I have noticed among the American people very little support for this brand new theory of overpopulating overpopulated countries, and I do not know of any widespread desire of enlarging our immigration quotas over and above their present size and over and above the considerable number of additional immigrants that we have received and are still receiving, under special emergency enactments of the postwar years. In any event, the President's ghost writers' demographic dissertations have nothing to do with the legislation before us.

As I pointed out earlier this year on several occasions, this bill is not another displaced persons bill. It is designed to be a permanent statute, codifying and revising the hodgepodge of our immigration and nationality laws. Should the American people decide that they want to admit more immigrants, their representatives in Congress would act according to their wishes, but not in connection with this particular legislation. Similarly, should the American people desire to change the time-tested principle of national origins, from which I believe it would be very dangerous to depart, they would so signify to us and we might then act accordingly. I have not heard any such demands except those coming from isolated groups motivated by political and professional considerations.

The message before us points to many good and desirable provisions of the bill. Among them it lists the removal of racial barriers to immigration and naturalization; the removal of discriminations between sexes, and other improvements of the existing law. If the President's veto is sustained, none of these improvements will be written into the law. The old people of Japanese ancestry, 85,000 of them, whose sons covered themselves with glory on the battlefield of the last war, fighting and dying for the United States, these old people will not become citizens of the United States, and they will continue to face difficulties even in holding to their property in the several States. This, despite the fact that every one of them is legally in the United States and cannot be deported.

If the President's veto is sustained, several thousands of Chinese children of American citizens would remain stranded in Hong Kong under the constant threat of being captured by Chinese Communists and brought up to be our enemies.

If the President's veto is sustained, several thousands of Americans of Italian ancestry who voted in Italian elections in order to help us defeat the Communists will not see their citizenship restored.

If the President's veto is sustained, the American girl who marries an Italian or a Greek, or an Indian or a Japanese, will not be able to bring her husband to the United States.

If the President's veto is sustained, the GI in Japan or in Korea will not be permitted to bring his oriental wife into this country.

If the President's veto is sustained, the homeless and abandoned Korean and Japanese children whose plight has appealed to the big-hearted American boys who prompted their families to adopt them, will be barred from entering the country of their adoption.

If the President's veto is sustained, Communist propaganda in the Far East will be given a new shot in the arm by being permitted to spread the word that we intend to keep the orientals out and that the words of friendship we addressed to them remain just empty slogans.

In that connection I would like to read a paragraph from a letter that I received from General MacArthur bearing date May 23, 1949, in which the general stated:

> The gravity of the issue demands that American policy governing international relationships be raised to the highest moral plane and attuned realistically to a course of broad statesmanship and enlightened vision. * * * The action you advocate is based upon just that type of statesmanship. It completes rectification of a past wrong and gives honor where honor has been well earned and is due. It renews in peace bonds of fraternal understanding and mutual confidence welded in the crucible of war and reaffirms our desire to extend these bonds to embrace all of the peoples of the earth. It repudiates the concept which holds to the superiority of some over the inferiority of others.

We should not permit this to happen, and we should not permit the veto to stand, thus jeopardizing both our domestic and international relations.

As I said in the beginning, I do not know who the President's ghost writers are, but I do find in the veto message most of the statements made by certain persons and certain groups whose motives in fighting this legislation are highly questionable, if not suspicious. On the other hand, I do know that every Government agency charged with the administration of our immigration and nationality laws, the Department of Justice, the Department of State, the Central Intelligence Agency, the Bureau of Immigration and Naturalization, the Federal Bureau of Investigation, have strongly recommended the enactment of this bill.

I do know that many patriotic American organizations, including the American Legion, the American Federation of Labor—and in that connection I would like to point out that according to an article that appeared in the Star last week the CIO branded this legislation as being antilabor. If this bill is antilabor, then north is south, and east is west.

The American Federation of Labor participated in the drafting of the bill, and they have stated that for the first time in the history of our immigration laws steps have been taken to protect the American worker.

More than that, in this same letter the CIO said that this legislation could be used to punish labor leaders. I found a case reported in the Southeast Reporter in which there is a very short definition of punishment:

> Punishment in a legal sense is any pain, penalty, suffering, or confinement inflicted upon a person by the authority of the law, and the judgment and sentence of a court for some crime or offense committed by him or for his omission of a duty enjoined by law. (*State* v. *Pope* (60 S. E. 234, 236 and 79 S. C. 87,).)

What crimes or offenses have labor leaders committed that makes them

falsely brand this legislation as antilabor?

In addition to the organizations I have mentioned, there is the National Catholic Welfare Conference. Please bear that in mind because there is a Catholic clergyman who has been buttonholing Members of Congress all days trying to influence them improperly, if you please. But the National Catholic Welfare Conference endorses this particular bill.

All associations of our shipping and airlines, as well as the Japanese-American Citizens League and the Chinese-American organizations, have recommended its enactment.

The main purpose of the strengthening of our immigration laws was to give the executive branch a better instrument to protect the security of our country and our citizens. The loopholes in our old statutes have gradually become larger and larger, so that while fighting communism abroad we actually became powerless in fighting its infiltration into our own country. I believe that the Congress is under the obligation—under a mandate—to provide for better protection of our country from subversives, gamblers, narcotic peddlers, stowaways, ship jumpers, and foreign agents who know no only too well how to slip into and remain in our country.

There is no question that under the Constitution and under hundreds of court decisions the Congress has the power to provide for such protection.

Instead of following the presidential ghost writers' example and indulge in writing fiction into veto messages, let me quote in that respect a few court decisions.

The power of Congress to control immigration stems from the sovereign authority of the United States as a Nation and from the constitutional power of Congress to regulate commerce with foreign nations—*Chae Chan Ping* v. *United States* (130 U. S. 581 (1889)); *Edye* v. *Robertson, Collector* (112 U. S. 580 (1884)).

Every sovereign nation has power, inherent in sovereignty and essential to self-preservation, to forbid entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe—*Nishimura Ekiu* v. *United States* (142 U. S. 651, 659 (1892)).

Congress may exclude aliens altogether or prescribe terms and conditions upon which they may come into or remain in this country—*Fok Young Yo* v. *United States* (185 U. S. 296 (1902)).

The power and authority of the United States, as an attribute of sovereignty, either to prohibit or regulate immigration of aliens, are plenary and Congress may choose such agencies as it pleases to carry out whatever policy or rule of exclusion it may adopt, and, so long as such agencies do not transcend limits of authority or abuse discretion reposed in them, their judgment is not open to challenge or review by courts—*Kaorn Yamataya* v. *Fisher* (189 I. S. 86 (1903)).

It has been settled by repeated decision that Congress has power to exclude any and all aliens from the United States, to prescribe the terms and conditions on which they may come in or on which they remain after having been admitted, to establish the regulations for deporting such aliens as have entered in violation of law or who are here in violation of law, and to commit the enforcing of such laws and regulations to executive officers—*In re Kosopud et al.* (272 F. 330 (1920)).

It has been repeatedly held that the right to exclude or to expel all aliens or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its independence, and its welfare; that this power to exclude and to expel aliens, being a power affecting international relations, is vested in the political departments of the Government, and is to be regulated by treaty or by act of Congress and to be executed by the executive authority according to the regulations so established, except so far asthe judicial department has been authorized by treaty or by statute, or is required by the paramount law of the Constitution to intervene—*Colyer* v. *Skeffington* (265 F. 17 (1920)).

The United States may exclude any alien for any reason whatsoever, such as the Government's dislike of the alien's political or social ideas, or because he belongs to groups which are likely to become public charges, or for other similar reasons—*United States* v. *Parson* (22 F. Supp. 149 (1938)).

Although an alien who had acquired residence in this country was entitled to the same protection of life, liberty, and property as a citizen, he acquired no vested right to remain and the Government has power to deport him if, in the judgment of Congress, public interests so required, and such power is not dependent upon the existence of statutory conditions as to his right to remain at the time he became a resident—*United States* v. *Sui Joy* (240 F. 392 (1917)).

An alien resident in the United States may be deported for any reason which Congress has determined will make his residence here inimical to the best interests of our Government—*Skeffington* v. *Katzeff* (277 F. 129 (1922)).

In the more recent decisions on March 10, 1952—Harisiades against Shaughnessy, Mascitti against McGrath, and Coleman against McGrath—Justice Jackson cited 11 Supreme Court decisions sustaining the sovereign nation's power to terminate its hospitality to an alien who failed to comply with the laws of the land of his adoption.

Said Justice Jackson:

> It is a weapon of defense and reprisal confirmed by international law as a power inherent in every sovereign State. Such is the traditional power of the Nation over the alien, and we leave the law on the subject as we find it.

Regarding the President's ghost wrters' complaint that certain provisions of this legislation are applicable to the deportation of subversives, this is what Justice Jackson had to say:

> During all the years since 1920 Congress has maintained a standing admonition to aliens, on pain of deportation, not to become members of any organization that advocates overthrow of the United States by force and violence, a category repeatedly held to include the Communist Party. These aliens violated that prohibition and incurred liability to deportation. They were not caught unawares by a change of law.

Regarding the President's ghost writers' complaint about the constitutionality of the other provisions of this bill, Justice Reed, in delivering the opinion of the Supreme Court in the case of Carlson against Landon—March 10, 1952—cited five Supreme Court decisions to sustain the following finding:

> The power to expell aliens, being essentially a power of the political branches of Government, the legislative and executive, may be exercised entirely through executive officers, "with such opportunity for judicial review of their action as Congress may see fit to authorize or permit." This power is, of course, subject to judicial intervention under the "paramount law of the Constitution."

This judicial intervention has been fully preserved in the bill presently before us. So have been other rights and privileges of the alien foreign-born and native-born citizens.

Notwithstanding the fiction contained in the veto message, all existing statutes governing the loss of United States citizenship have been liberalized, and I want to stress the words "all of them"—those relative to loss of citizenship by dual nationals as well as those relative to children of American citizens born abroad.

The paragraphs of the veto message which discuss these provisions of the bill prove once more what I said at the outset, that the ghost writers simply neglected to acquaint themselves with the provisions of the proposed law before they advised the President to disregard the recommendations of all his executive agencies and succumb to pressures motivated by political interests.

After having spent close to 4 years in studying and drafting this law, its authors, supported by every one of the administrative agencies working in the field of immigration and naturalization, recommended the passage of this legislation and now they most sincerely recommend that it be passed again, the Presidential "illadvisers" notwithstanding.

Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, it was not my intention to address this group on this veto. However, the gentleman from Pennsylvania, having given voice to his views whereby he took the President to task for, shall I say, having what might be deemed the temerity in vetoing this bill, I feel it incumbent upon myself to say a few words in support of the President.

The President exercised his discretion. I believe he acted with fortitude, with integrity, and with wisdom, as he saw fit. The President's motive in vetoing

this bill must be deemed above reproach. His views are above suspicion.

Even those of Catholic faith have the right to present their views for or against this veto. All faiths have the right to do this and they should not be castigated. The gentleman from Pennsylvania has somewhat offended against the preservation of the right of protest.

I can understand very well the perturbation of mind of the gentleman from Pennsylvania. He has labored long and assiduously on this bill. He feels a keen rebuff. I do not think that warrants, however, the severity and the bitterness, shall I say, of his denunciation of the President. I think he should take it in his stride. We cannot win at all times. In this work with which we are confronted here we meet with many rebuffs and frustrations, but there come times when we have victories and it compensates us for all our disappointments. He is disappointed. His disappointment should not warp his judgment.

Ghost writing, which he attacks, is apparently essential in the busy life of any President. Turn the mirror upon yourselves. I do not think there is a Member in this House who has not had at some time or other a ghost writer. I venture that there is not a Member of this House who has not at some time or other been at least aided and given some comfort by others in the writing of his speeches. It may be only a matter of degree, that is all. But when you take the multifarious duties of a President, it is almost impossible for him to write every speech or every observation that comes from his pen. He must have the aid and the counsel of others. Consider his herculean tasks, his varied pursuits, the intensity of his work and you readily see that continual speech writing requires considerable assistance

The test is: "are the remarks embraced to the President." If so, they are his. The veto is the veto of the President, beyond all doubt. It has been the practice of many Presidents to have ghost writers. I just read Judge Rosenman's book about 20 years with the President. He spoke of the ghost writing that was involved in many of the presentations of President Roosevelt. Even General Eisenhower has his ghost writer. President Hoover, President Coolidge, and President Taft all had their ghost writers, and they received such aid and comfort from many of their counselors in that regard.

The strictures laid on the President are rather heavy and I think a bit unfair. All wisdom does not reside either in the President or in the gentleman from Pennsylvania or any Member of the House, for that matter. We are all endowed with human frailties. I say the President is well within his rights to veto this bill. The disappointment of the gentleman from Pennsylvania is understandable, but his heavy handed criticism of the President is not.

The gravamen of the veto was the objection to further imbedding in our statutes what is known as the national origins theory. Most of the veto message is in opposition to the national origins theory. I believe that theory is outmoded and should have been cast into limbo long since. It stems from a sort of claustrophobia, xenophobia, or chauvinism, popular at the end of the last century but which seems to animate many of the people in this land and a goodly portion of the membership of this House. Too many people believe aliens have horns and that they are the very embodiment of the devil.

The bill vetoed continues to divide the immigration pie in a very unfair and unrealistic manner. We allow something like a total of 154,000 aliens to come into this country yearly, and how do we divide that pie? We give almost half of it to Great Britain. What does Great Britain do? It thumbs its nose at us and says, "We do not want to come to the United States, we do not want to use your immigration quota numbers."

Then what do we do? We continue the hoax. We continue, shall I say, the lie. We continue the fake, as it were. We say we give to Britain almost half the quota, sixty-eight-thousand-odd. They hardly use any of the numbers, and all those numbers go down the drain. That is to the great disadvantage of the aliens who seek to come here from other lands, particularly those from southern and eastern Europe, from Spain and from Greece and from Italy. The President said: "Do not let the British quota numbers go to waste. Assign unused numbers to aliens anxious to come to us, but who cannot because the quotas of their country of origin are ridiculously if tragically small."

Why do we discriminate with pitifully small quotas for those countries in southern and eastern Europe and give to Germany over 25,000 quota numbers, and give to Great Britain all those numbers that I have mentioned, whereas Great Britain does not want to use them? Why so generous to Germany? And so parsimonious to Italy? Why do we continue that course? The President wisely pointed all that out in his veto message.

Names of worthy people from southern and eastern Europe, who are discriminated against by the bill vetoed are part of the warp and woof of American life. These names are found on baseball rosters, in the lists of Congressmen, and governors.

I suggest that if you look at the casualty lists coming from Korea you will see what? Only British or German names? Indeed no. You will see many names of those who came from southern and eastern Europe, Polish names, Hungarian names, Croatian names, Italian names, Greek names, and Turkish names. These diverse names belong to honored dead and wounded. Why should their people be so discriminated against by virtue of the national origins theory, against which the President very properly inveighed, a theory which also flies in the face of our foreign policy?

In one breath we say we wish to hold out a helping hand to you people in Italy, and you people in Greece, and you people in Spain, and you people in other parts of southern and eastern Europe. And in the other breath we do all in our power to wound their sensibilities, to curb their spirit and injure their feelings when it comes to immigration quotas. The President very properly pointed that out. In effect he said they are just as good as the British or the Germans. These people who come from those parts have America born in them—most of them. I do not ask the question whether a man was born in America. I ask the question, "Is America born in you?" Benedict Arnold was born in this country, but America was not born in him. Earl Browder was born in this country, but America was not born in him. Carl Schurz was not born in this country, but America was born in him. Alexander Hamilton was not born in America. America was born in him. Vincent Impelliteri, our great mayor of the city of New York, was born in Italy, but America was born in him. That should be the test. So many Italians and Greeks despite America being born in them are kept out. But this immigration bill which was passed by this House and vetoed by the President, flies in the face of that theory of Americanism.

Those who sponsored this bill, and many members of the House, are forgetful that we built our great country because we siphoned off the best of the brain and the best of the brawn of all peoples of Europe everywhere—not from just a few countries but from all countries of Europe—as a result of which we have the highest standards of living that civilization has ever seen. But this bill again flies in the face of all that. It turns the clock backward, and the President in his wisdom very properly points all that out in his veto message.

What do we do with reference to the escapees coming out from behind the iron curtain or from behind the bamboo curtain? In one breath we say, "Come in, we want to entice you to come from behind the iron curtain or the bamboo curtain." Then when they ask to come into this country and they go to our consuls in the far-spread cities of the world, and when one of them says, "I have come out of Russia," or another says "I have come out of Poland," or "I have come out of Czechoslovakia, or Yugoslavia, or Rumania, or Hungary." What does the consul say: "No soap. You will have to wait." "How long must I wait?" "You must wait until your quota number is reached." "How long will that be?" "Maybe 10 years, maybe 20 years." Meanwhile what are they to do?

Well, in the case of some of the small countries of Europe, the wait might be over 100 years. We have mortgaged the quotas of some countries for so many years. These are some of the reasons assigned for the veto. The President, indeed, was well within his rights in vetoing this bill.

The praiseworthy provisions of the bill regarding the naturalization of our Japanese residents and the entry of oriental spouses and children, could be readily and speedily enacted in a separate measure on which, I am certain, we could all quickly agree.

Members of Congress to support President-elect Hoover during his term of office on all legislation that relates to the general welfare and progress of the people.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. MCCORMACK. Yes.

Mr. DENISON. I hope at some not distant time the gentleman will inform the House what the fundamental principles of the Democratic Party are.

Mr. MCCORMACK. I think those fundamental principles are so well known that the average man knows them, but I shall be glad to enlighten the gentleman out in the lobby some time.

The first indication of the unreliability and uncertainty of the basis of determination as provided in the national-origins clause was the postponement of its operation until July 1, 1927, in order that the quotas might be established. In order to regulate immigration up to the going into effect of the national-origins clause it was provided in the 1924 act—"that the annual quota of any nationality shall be 2 percent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100."

This, like the national-origins clause, only governed quota countries. The practical operation of the present law meant that 164,000 immigrants constituted 2 percent of our foreign-born population as of 1890, and were allotted among the several European countries in accordance with the terms of this provision. Whether one believes in the policy of restrictive immigration or not, there is no question but what the original provision is at least definite and certain in its theory and operation. While the national-origins clause is certain as to the number of immigrants admissible each year from Europe, which is 153,000, every other provision thereof is unreliable, uncertain, and therefore inequitable.

This would be particularly so in its operation, if it ever goes into effect. I want to call to the attention of the Members that in accordance with the provisions of the national-origins clause the Secretaries of State, Commerce, and Labor, as a joint board, each appointed two representatives to try and perform the impossible task therein provided. It is fair to infer from all correspondence made by them that they approached this task with the realization of its difficulty of approximate ascertainment, and the fact that, in the main, they would have to rely upon conjecture. The results have clearly shown that to be the fact. Their work has been tirelessly and unselfishly rendered and yet their reports and findings are the strongest evidence of the human impossibility of performing such a task. In their report on December 16, 1926, will be found the following:

"We have found our task by no means simple, but we are carrying it out by methods which we believe to be statistically correct, utilizing the data that are available in accordance with what seems to us to be the intent and meaning of the law. We have not completed our work, but the figures which we are submitting for your information, though provisional and subject to revision, indicate approximately what the final results will be."

What stronger evidence of uncertainty?

Accompanying this report were the quotas which they had determined in accordance with the law, and which, while not complete and subject to revision, indicate approximately what the final results will be. These are not my words, but the words of Dr. Hill and his associates.

Thereafter, the operation of the law was deferred until July 1, 1928, and on February 27, 1926, other quotas were recommended by Dr. Hill and his associates. Having in mind the statement above quoted from report of 1927, that the 1927 quotas "indicated approximately what the final results will be," a comparison of these two quotas is very interesting and convincing as showing further the grave uncertainty of the basis of determination.

Country or area	(1) National-origin quotas submitted Feb. 27, 1928	(2) National-origin quotas submitted Jan. 7, 1927	(3) Present quotas, based on 1890 foreign-born population
Armenia	100	----------	124
Australia, including Papua, etc	100	100	121
Austria	1,639	1,486	785
Belgium	1,328	410	512
Czechoslovakia	2,726	2,248	3,073
Danzig, Free City of	137	122	228
Denmark	1,234	1,044	2,789
Estonia	100	109	124
Finland	568	559	471
France	3,308	3,837	3,954
Germany	24,908	23,428	51,227
Great Britain, Northern Ireland	65,894	73,039	34,007
Greece	312	367	100
Hungary	1,181	967	473
Irish Free State	17,427	13,862	28,567
Italy, including Rhodes, etc	5,989	6,091	3,845
Latvia	243	184	142
Lithuania	492	494	344
Netherlands	3,083	2,421	1,648
Norway	2,403	2,267	6,453
Poland	6,090	4,978	5,982
Portugal	457	290	503
Rumania	311	516	603
Russia, European and Asiatic	3,540	4,781	2,248
Spain	305	674	131
Sweden	3,399	3,259	9,561
Switzerland	1,614	1,198	2,081
Syria and the Lebanon (French)	125	100	100
Turkey	233	233	100
Yugoslavia	739	777	671
Total	[1] 153,685	[1] 153,541	[1] 164,647

[1] Including 37 minimum quotas of 100 each.

As a further indication of the uncertainty that existed in the minds of the President's Commission, I quote a letter to the President under date of January 3, 1927:

JANUARY 3, 1927.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the Immigration Act of 1924, we have the honor to transmit herewith the report of the subcommittee appointed by us for the purpose of determining the quota of each nationality in accordance with the provisions of said sections.

The report of the subcommittee is self-explanatory, and, while it is stated to be a preliminary report, yet it is believed that further investigation will not substantially alter the conclusions arrived at.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore cannot assume responsibility for such conclusions under these circumstances.

Yours faithfully,

FRANK B. KELLOGG,
Secretary of State,
Department of State.
HERBERT HOOVER,
Secretary of Commerce,
Department of Commerce.
JAMES J. DAVIS,
Secretary of Labor,
Department of Labor.

Furthermore, on February 25, 1928, the President's Commission in transmitting the 1928 quotas above referred to said:

"We wish it clear that neither we individually nor collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act."

An analysis of the report of Dr. Hill and his associates, dated December 16, 1926, showing the manner upon which calculations were determined is further evidence of the impossibility of a fair determination, particularly in determining what portion of our white population of 1920 is derived from the "old native stock" of 1790. The records of immigration giving the number of immigrants arriving annually from each foreign country from 1820 to 1920 was in part relied upon. It is a well-known fact that a good portion of those who came from southern Ireland, Scotland, Wales, and Ulster came on vessels that started from an English port and were listed as emigrating from England. This was particularly true prior to 1870. In the case of Scotland, Wales, and Ulster it makes no difference, because their quotas under this law will be combined into one, but this situation seriously affects the quota that southern Ireland would be entitled to. Such a situation is further evidence of the grave uncertainty of a determination that will not be discriminatory.

The above immigration quotas were printed for the House Committee on Immigration and Naturalization, and column No. 1 is the report for 1928, column 2 the report for 1927, both made by Doctor Hill and his associates, and column 3 is the quotas under the present law.

Columns 1 and 2 relate to the national origins clause and the marked difference between them in the short period of 1 year seems to me to be inescapable evidence of the uncertainty of ascertainment.

A comparison will show that under the quotas that will be established if the national origins clause goes into effect that Germany will be reduced from 51,227 to 24,908; Irish Free State from 28,567 to 17,427; Norway from 6,453 to 2,403; Sweden from 9,561 to 3,399; Switzerland from 2,081 to 1,614; Denmark from 2,789 to 1,234; France from 3,954 to 3,308; while Great Britain and northern Ireland will be increased from 34,007 to 65,894; Austria from 785 to 1,639; Belgium from 512 to 1,328; Hungary from 473 to 1,181; Italy from 3,845 to 5,989; Netherlands from 1,648 to 3,083; Russia from 2,248 to 3,540. These are the most important changes that will occur. As I have said before, the strongest evidence of uncertainty is the difference between the report of 1927 and 1928.

Another year has gone by since the last computation was submitted and which will be the quotas if the national origins clause goes into effect,. It is fair to assume that if a report had been made this year by Dr. Hill and his associates, that further changes would have been noted.

In passing I want it clearly understood that I have the greatest of admiration for Dr. Hill and his associates. They are performing what must be to them an unpleasant task, because of its impossibility of performance. They have performed their work unselfishly and tirelessly. They are simply trying to carry out the law. It is clear from their reports, so far as I am concerned, that they realize that the records are so lacking that they had to rely upon conjecture.

It is significant that the only census taken in the United States prior to 1850 was that of 1790. In the 1790 census only the heads of families were reported, and

hand, was to give other countries a much higher quota than the rule of fairness and equity called for.

I opposed the national-origins clause before it became operative in law because I considered it unfair, contrary to American fairness, and inconsistent with American ideals. It brought about a quota system that was an insult to many racial groups that made up our people.

For we must remember, heretofore and now, Americans are not a race; they are a people.

Any effort to base a quota system upon such a concept as the national-origins clause is wrong from the outset. While it must be tolerated and adhered to as long as it is the law, the fact that it has been in operation for 32 years does not make it right.

President Truman has made a ringing contribution to a restoration of American idealism and justice in relation to our quota system by his condemnation and repudiation of the national-origins clause.

The bill is the result of 4 years of study and effort by the members of the committee who considered the same. The veto of the President is not a reflection on them. The drafting of a codification or of a new immigration law is a very difficult task. There is much good in the present bill.

However, in addition to the objectionable national-origins clause there are other provisions of an objectionable nature that justifies the action taken by President Truman in vetoing this bill.

For the reasons stated by the President, his veto should be sustained by the House of Representatives.

I include in my remarks a speech I made in the House on February 14, 1929, and appearing on pages 3472, 3473, 3474, 3475, 3476, and 3477 of the permanent RECORD of 1929:

Mr. McCORMACK. Mr. Chairman and members of the Committee, the subject that I am going to discuss is quite different from the full and able speech which has just been rendered by the distinguished Member [Mr. Garber], who has just preceded me and which I found very interesting. I might say in passing that I have listened to the gentleman on two different occasions and his profound knowledge of the subject that he has discussed has made a marked impression upon me.

One of the most important questions remaining to be determined before this session of Congress is over, is what action will be taken from the repeal, deference, or going into operation of the national-origins clause of the immigration law of 1924. The interest in this question is not confined to any one section of our country; neither is it confined to any one of the so-called nationals that constitute our inhabitants. The action of Congress on this question is being watched closely.

At the outset it must be borne in mind that the controversy over the national-origins clause of the Immigration Act has been misrepresented so as to be made to appear a controversy over increasing or decreasing numerically the number of immigrants that can come to this country. This misrepresentation is very unfortunate because it gives a false statement of facts. The repeal of the national-origins clause has nothing to do with the question of the number of people that shall be permitted to come here each year. The effort to repeal the national-origins clause has been characterized as an attack upon the immigration law of 1924. It is nothing of the kind. It is, in fact, an effort to prevent the law from being ridiculous.

The national-origins clause is a part of the immigration law of 1924. Nobody seems to know its real parenthood, although one John B. Trevor, of New York City, who was a captain in the Intelligence Department of the Army, detailed in New York City during the war, appears to claim the credit for it.

I have heard that the Ku Klux Klan claims the credit for conceiving it and securing its adoption an an amendment to the immigration law. I am satisfied, however, that their only knowledge of it was after its adoption in the Senate in 1924, as an amendment to the bill that passed the House, and that thereafter the Ku Klux Klan used it as a means of trying to carry out its purposes by attracting additional members to its ranks. It seems rather hard for me to believe that anything that such an organization might sponsor would receive the favorable consideration of either or both branches of Congress.

It appears from the records of the hearings of the House Committee on Immigration and Naturalization which reported the 1924 immigration law that the national-origins clause received little, if any, consideration from the committee. It is quite probable—and so far as I can find it is a fact—that it was not presented to the committee for consideration. In any event, when the bill was reported to the House it was not a part thereof, and during debate an amendment was offered in the House which included in substance the provisions of the present law. The amendment was rejected. The House later passed the bill and while under consideration in the Senate, Senator Reed of Pennsylvania, moved the amendment which inserted the present national-origins clause into the bill. Upon its return to the House it was sent to conference, and the House conferees recommended the adoption of the amendment, which action was taken. Whether or not it is correct, I am informed this amendment was reluctantly accepted by the House in order that the whole bill might not fail of passage.

As I have said before, this is to my mind one of the most important questions that confront us today, particularly in view of the fact that we have only a few weeks left in this session of Congress, and during which period it is essential that some affirmative action be taken in order to prevent the operation of this particular clause. To prevent its operation affirmative action must be taken by Congress. There are two ways in which we can take affirmative action, and when I say "we," of course I refer to both branches of Congress. One is by joint resolution deferring its operation and the other is by enacting necessary legislation to repeal its provisions. The other procedure that we may employ is the passive, inactive negative, do-nothing method, as a result of which, in accordance with the ruling given by the Attorney General, as I understand it, the President of the United States is compelled on or before April 1 of this year to proclaim the provisions of this clause to be in operation. This means that the quotas established thereunder by the President's commission will become operative July 1, 1929.

That President's commission to which I refer was made up of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce (now President-elect Hoover), and they in turn each appointed two members of their respective departments as a joint committee to make a more thorough investigation of the matter.

I realize that men have different opinions and different views on this question. I appreciate the fact they have the right to entertain their views if they are honestly arrived at, and naturally every Member of this House arrives at honest views, so far as my opinion is concerned. I do not use the above language with the intent that you might infer that I have any feeling to the contrary, because you, like myself, are actuated by a desire to render that degree of public service in this body which you feel the best interests of the country demand and which is in accordance with your conscience. [Applause.]

I also considered it my duty to vote as my conscience dictated on any matters which came before any legislative body of which I was a member, and the question of party affiliation never influenced me unless a party principle or responsibility was involved. In that case I followed; and will follow, the principles enunciated by the Democratic Party, because the incorporation of them into law will be for the best interests of the people.

It is my belief that a public servant should represent all elements and political creeds in his district. So, in approaching this question, let me say that I recognize that men in both political parties differ and differ honestly.

I am going to try to impress upon you the fact that the basis of the determination, as provided in the national origins clause, so-called, is almost impossible of ascertainment. It is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. I will.

Mr. DICKSTEIN. Is it not a fact you have to go back 300 years to determine the statistics as to national origin?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. And is it not a fact we have not the statistics available?

Mr. McCORMACK. Exactly. That is in part correct. The basis prescribed by this clause for the establishing of quotas of countries affected has as its object a definite purpose which is unfair and discriminatory, and a reflection upon elements of past immigrants, now Americans, some for many generations, that have contributed so much toward the building up and progress of our country. The basis for computation is also uncertain and leaves the calculation, whichever it may be, to the field of conjecture. The clause provided a method of calculation which is incapable of ascertainment without resort to guesswork. Any such basis is bound to result in quotas which will be discriminatory, if not insulting, in their character. A careful examination of testimony presented to different committees, also books written by some of the proponents, and addresses made on different occasions by some of them justify the assertion that the underlying motive is un-American.

If we are going to establish an immigration policy, let it be definite. Let it be certain. The expression of the principle should be definite and certain, whether it be a closed immigration policy, a restrictive immigration policy, or a partially restrictive policy as set forth in the 1924 act.

Let it be definite and certain, but not left to uncertainty; and let both branches of Congress determine with certainty not only the expression of the principle we believe in, but with certainty as to the quotas the different quota countries shall be entitled to. Not only does Congress, by permitting the national-origins clause to go into operation, evade the duty of making the quotas themselves, but it passes the responsibility to the President's commission, composed of three secretaries, and they in turn pass it on to Doctor Hill and his associates.

I might say at this time that I intend to follow the suggestion made by Governor Smith in his statement after the last election, in which he urged the Democratic

Members of Congress to support President-elect Hoover during his term of office on all legislation that relates to the general welfare and progress of the people.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. MCCORMACK. Yes.

Mr. DENISON. I hope at some not distant time the gentleman will inform the House what the fundamental principles of the Democratic Party are.

Mr. MCCORMACK. I think those fundamental principles are so well known that the average man knows them, but I shall be glad to enlighten the gentleman out in the lobby some time.

The first indication of the unreliability and uncertainty of the basis of determination as provided in the national-origins clause was the postponement of its operation until July 1, 1927, in order that the quotas might be established. In order to regulate immigration up to the going into effect of the national-origins clause it was provided in the 1924 act—"that the annual quota of any nationality shall be 2 percent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100."

This, like the national-origins clause, only governed quota countries. The practical operation of the present law meant that 164,000 immigrants constituted 2 percent of our foreign-born population as of 1890, and were allotted among the several European countries in accordance with the terms of this provision. Whether one believes in the policy of restrictive immigration or not, there is no question but what the original provision is at least definite and certain in its theory and operation. While the national-origins clause is certain as to the number of immigrants admissible each year from Europe, which is 153,000, every other provision thereof is unreliable, uncertain, and therefore inequitable.

This would be particularly so in its operation, if it ever goes into effect. I want to call to the attention of the Members that, in accordance with the provisions of the national-origins clause the Secretaries of State, Commerce, and Labor, as a joint board, each appointed two representatives to try and perform the impossible task therein provided. It is fair to infer from all correspondence made by them that they approached this task with the realization of its difficulty of approximate ascertainment, and the fact that, in the main, they would have to rely upon conjecture. The results have clearly shown that to be the fact. Their work has been tirelessly and unselfishly rendered and yet their reports and findings are the strongest evidence of the human impossibility of performing such a task. In their report on December 16, 1926, will be found the following:

"We have found our task by no means simple, but we are carrying it out by methods which we believe to be statistically correct, utilizing the data that are available in accordance with what seems to us to be the intent and meaning of the law. We have not completed our work, but the figures which we are submitting for your information, though provisional and subject to revision, indicate approximately what the final results will be."

What stronger evidence of uncertainty?

Accompanying this report were the quotas which they had determined in accordance with the law, and which, while not complete and subject to revision, indicate approximately what the final results will be. These are not my words, but the words of Dr. Hill and his associates.

Thereafter, the operation of the law was deferred until July 1, 1928, and on February 27, 1928, other quotas were recommended by Dr. Hill and his associates. Having in mind the statement above quoted from report of 1927, that the 1927 quotas "indicated approximately what the final results will be," a comparison of these two quotas is very interesting and convincing as showing further the grave uncertainty of the basis of determination.

Country or area	(1) National-origin quotas submitted Feb. 27, 1928	(2) National-origin quotas submitted Jan. 7, 1927	(3) Present quotas, based on 1890 foreign-born population
Armenia	100	----------	124
Australia, including Papua, etc.	100	100	121
Austria	1,639	1,486	785
Belgium	1,328	410	512
Czechoslovakia	2,726	2,248	3,073
Danzig, Free City of	137	122	228
Denmark	1,234	1,044	2,789
Estonia	100	109	124
Finland	568	559	471
France	3,308	3,837	3,954
Germany	24,908	23,428	51,227
Great Britain, Northern Ireland	65,894	73,039	34,007
Greece	312	367	100
Hungary	1,181	967	473
Irish Free State	17,427	13,862	28,567
Italy, including Rhodes, etc.	5,989	6,091	3,845
Latvia	243	184	142
Lithuania	492	494	344
Netherlands	3,083	2,421	1,648
Norway	2,403	2,267	6,453
Poland	6,090	4,978	5,982
Portugal	457	290	503
Rumania	311	516	603
Russia, European and Asiatic	3,540	4,781	2,248
Spain	305	674	131
Sweden	3,399	3,259	9,561
Switzerland	1,614	1,198	2,081
Syria and the Lebanon (French)	125	100	100
Turkey	233	233	100
Yugoslavia	739	777	671
Total	[1] 153,685	[1] 153,541	[1] 164,647

[1] Including 37 minimum quotas of 100 each.

As a further indication of the uncertainty that existed in the minds of the President's Commission, I quote a letter to the President under date of January 3, 1927:

JANUARY 3, 1927.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the Immigration Act of 1924, we have the honor to transmit herewith the report of the subcommittee appointed by us for the purpose of determining the quota of each nationality in accordance with the provisions of said sections.

The report of the subcommittee is self-explanatory, and, while it is stated to be a preliminary report, yet it is believed that further investigation will not substantially alter the conclusions arrived at.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore cannot assume responsibility for such conclusions under these circumstances.

Yours faithfully,

FRANK B. KELLOGG,
Secretary of State,
Department of State.
HERBERT HOOVER,
Secretary of Commerce,
Department of Commerce.
JAMES J. DAVIS,
Secretary of Labor,
Department of Labor.

Furthermore, on February 25, 1928, the President's Commission in transmitting the 1928 quotas above referred to said:

"We wish it clear that neither we individually nor collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act."

An analysis of the report of Dr. Hill and his associates, dated December 16, 1926, showing the manner upon which calculations were determined is further evidence of the impossibility of a fair determination, particularly in determining what portion of our white population of 1920 is derived from the "old native stock" of 1790. The records of immigration giving the number of immigrants arriving annually from each foreign country from 1820 to 1920 was in part relied upon. It is a well-known fact that a good portion of those who came from southern Ireland, Scotland, Wales, and Ulster came on vessels that started from an English port and were listed as emigrating from England. This was particularly true prior to 1870. In the case of Scotland, Wales, and Ulster it makes no difference, because their quotas under this law will be combined into one, but this situation seriously affects the quota that southern Ireland would be entitled to. Such a situation is further evidence of the grave uncertainty of a determination that will not be discriminatory.

The above immigration quotas were printed for the House Committee on Immigration and Naturalization, and column No. 1 is the report for 1928, column 2 the report for 1927, both made by Doctor Hill and his associates, and column 3 is the quotas under the present law.

Columns 1 and 2 relate to the national origins clause and the marked difference between them in the short period of 1 year seems to me to be inescapable evidence of the uncertainty of ascertainment.

A comparison will show that under the quotas that will be established if the national origins clause goes into effect that Germany will be reduced from 51,227 to 24,908; Irish Free State from 28,567 to 17,427; Norway from 6,453 to 2,403; Sweden from 9,561 to 3,399; Switzerland from 2,081 to 1,614; Denmark from 2,789 to 1,234; France from 3,954 to 3,308; while Great Britain and northern Ireland will be increased from 34,007 to 65,894; Austria from 785 to 1,639; Belgium from 512 to 1,328; Hungary from 473 to 1,181; Italy from 3,845 to 5,989; Netherlands from 1,648 to 3,083; Russia from 2,248 to 3,540. These are the most important changes that will occur. As I have said before, the strongest evidence of uncertainty is the difference between the report of 1927 and 1928.

Another year has gone by since the last computation was submitted and which will be the quotas if the national origins clause goes into effect,. It is fair to assume that if a report had been made this year by Dr. Hill and his associates, that further changes would have been noted.

In passing I want it clearly understood that I have the greatest of admiration for Dr. Hill and his associates. They are performing what must be to them an unpleasant task, because of its impossibility of performance. They have performed their work unselfishly and tirelessly. They are simply trying to carry out the law. It is clear from their reports, so far as I am concerned, that they realize that the records are so lacking that they had to rely upon conjecture.

It is significant that the only census taken in the United States prior to 1850 was that of 1790. In the 1790 census only the heads of families were reported, and

there was no indication of the land of their nativity or of their ancestors.

Dr. Hill and his associates deemed that they would have to depend in the main upon the sounding of names to determine nativity, and he frankly admitted in the House hearings held in 1927 that names may indicate origin from any one of two or more countries. He further said that in the event of the names having an origin from England or Scotland or Ireland, the probabilities were that because of the predominance of the English of foreign birth and descent at that time the census takers designated them as being of English descent.

The census of 1790 showed the white population of the then 17 States was 3,172,444. The following figures show in detail the population of the several States, with an estimate of the strength of the various nationals therein, which, so far as I can ascertain, is based upon guesswork:

White population in 1790 as classified by nationality in ch. IX of A Century of Population Growth, published by the Bureau of the Census in 1909

Nationality as indicated by name	United States		Maine		New Hampshire		Vermont		Massachusetts		Rhode Island	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All nationalities	3,172,444	100.0	96,107	100.0	141,112	100.0	85,072	100.0	373,187	100.0	64,670	100.0
English	2,605,699	82.1	89,515	93.1	132,726	94.1	81,149	95.4	354,528	95.0	62,079	96.0
Scotch	221,562	7.0	4,154	4.3	6,648	4.7	2,562	3.0	13,435	3.6	1,976	3.1
Irish	61,534	1.9	1,334	1.4	1,346	1.0	597	.7	3,732	1.0	459	.7
Dutch	78,950	2.5	279	.3	153	.1	428	.5	373	.1	19	(1)
French	17,619	.6	115	.1	142	.1	153	.3	746	.2	88	.1
German	176,407	5.6	436	.5			35	(1)	75	(1)	33	.1
Hebrew	1,243	(1)	44	(1)					67	(1)	9	(1)
All other	9,421	.3	230	.2	97	.1	148	.2	231	.1	7	(1)

	Connecticut		New York		New Jersey		Pennsylvania		Delaware		Maryland	
All nationalities	232,236	100.0	314,366	100.0	169,954	100.0	423,373	100.0	46,310	100.0	208,649	100.0
English	223,437	96.2	245,901	78.2	98,620	58.0	249,656	59.0	39,966	86.3	175,265	84.0
Scotch	6,425	2.8	10,034	3.2	13,156	7.7	49,567	11.7	3,473	7.5	13,562	6.5
Irish	1,589	.7	2,525	.8	12,099	7.1	8,614	2.0	1,806	3.9	5,008	2.4
Dutch	258	.1	50,600	16.1	21,581	12.7	2,623	.6	463	1.0	209	.1
French	512	.2	2,424	.8	3,565	2.1	2,341	.6	232	.5	1,460	.7
German	4	(1)	1,103	.4	15,678	9.2	110,357	26.1	185	.4	12,310	5.9
Hebrew	5	(1)	385	.1	(2)		21	(1)	(2)		626	.3
All other	6	(1)	1,394	.4	5,255	3.1	194	(1)	185	.4	209	.1

	Virginia		North Carolina		South Carolina		Georgia		Kentucky		Tennessee	
All nationalities	442,117	100.0	289,181	100.0	140,178	100.0	52,886	100.0	61,133	100.0	31,913	100.0
English	375,799	85.0	240,309	83.1	115,480	82.4	43,948	83.1	50,802	83.1	26,519	83.1
Scotch	31,391	7.1	32,388	11.2	16,447	11.7	5,923	11.2	6,847	11.2	3,574	11.2
Irish	8,842	2.0	6,651	2.3	3,576	2.6	1,216	2.3	1,406	2.3	734	2.3
Dutch	884	.2	578	.2	219	.2	106	.2	122	.2	64	.2
French	2,653	.6	868	.3	1,882	1.3	159	.3	183	.3	96	.3
German	21,664	4.9	8,097	2.8	2,343	1.7	1,481	2.8	1,712	2.8	894	2.8
Hebrew			1	(1)	85	.1	(2)		(2)		(2)	
All other	884	.2	289	.1	146	.1	53	.1	61	.1	32	.1

[1] Less than 1/10 of 1 percent.
[2] Included in "All other."

As one indication of the uncertainty of relying on the 1790 census I may mention that it does not take into consideration the size of the families and that some nationalities are quite prone to more productivity than others.

In determining the quotas under the national origins clause the white population of 1920, numbering about 94,000,000, were divided into two groups, one called "old native stock" and the other "immigrant stock." The census of 1790 was taken as the basis for determining what portion of our population in 1920 were descended from the population of 1790. It was determined that 41,000,000 persons in the United States in 1920 were descendents of the "old native stock." Bearing the fact in mind that all persons who arrived here since 1790, or their descendents, are described as "immigrant stock," and looking through the roll of the Members of Congress it is apparent to me that 80 percent of our membership fall within that class.

When you consider that the first decennial census taken in the United States, outside of the one in 1790, was in 1850; that there are no official records prior to 1790, together with the loss, in the Ellis Island fire in 1896, of records of immigrations that flowed through the great city of New York from 1820 on, the destruction of many historical records by the British, when they occupied the city of Washington in the War of 1812, together with many other matters of consideration, we can then realize the impossibility of establishing quotas which will not be discriminatory to some of our nationals.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Is it not a fact that Dr. Hill testified before the Committee on Immigration that he could only go back about 100 years?

Mr. McCORMACK. My impression is that Dr. Hill testified that the United States decennial censuses could only go back to 1850; that the records of the ports of entry go back only to about 1820; that is, the immigrants coming into different ports of entry, as distinguished from the facts revealed in the decennial censuses. My observation and study further show that thousands and thousands of immigrants coming from Germany, from Ireland, from Scotland, and from other places were compelled to come over on ships owned by English interests and they were listed as English citizens.

That is not submitted as criticism, but as a piece of evidence. Everything based on conjecture is bound to be discriminatory and offensive to some of our nationals. We are not an English, or an Irish, or a German, or a French nation. We do not want any element to predominate. We are an American Nation. We may have a great feeling of fondness and regard for the land of our forbears, as we should, but above every other consideration we are Americans. The history of the recent war has evidenced the fact that Americanism means the same thing to all of our citizens, irrespective of their national origin—that is, love of flag, country, and that upon which everything that we possess governmentally stands, the Constitution of the United States.

We want Americans. We want the immigrants who come over here—the same as my forbears did two generations ago—to be filled with a love of our institutions. To a certain extent, undoubtedly, they will come here seeking material gain, but in the main they look up to this Government of ours as a land of opportunity. I recognize that conditions might change our immigration policy. That necessity might arise some day when we might consider the advisability of a change, but if we are going to have a change, let it be definite and certain, not only in principle but definite and certain in practice.

Now, Mr. Chairman and members of the committee, the fact that this uncertainty exists is further evidenced by the report made by the President's commission, com-

prised, as I said before, of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce—the then Secretary of Commerce, President-elect Hoover. Not only that, but President-elect Hoover in his acceptance speech said he favored the repeal of the national-origins clause. He recognized the impossibility of human determination in accordance with the basis provided in that law. He recognized the offensiveness of it, and he recognized that this was not bringing into effect in America a new policy with reference to the restriction of immigration, because we have it now. We have it now in the act of 1924. Two per cent of the foreign born population as of 1890 means approximately 164,000 immigrants who are entitled to admission from quota countries in Europe each year, and in turn the number to which each country is entitled is simply a matter of mathematics. That can be arrived at. It is a definite and certain enunciation of a principle, and it naturally follows that there is a definite and certain determination of the quotas.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. MCCORMACK. Yes.

Mr. DICKSTEIN. Can the gentleman tell the House how this national origins was determined, based upon what figures, what the present quota is as based on the act of 1924, and what would be the quota of all nationals under the national-origins clause? Has the gentleman those figures?

Mr. MCCORMACK. As I understand it, the present law permits one hundred and sixty-four thousand and a few odd hundred to come in each year, while the national-origins clause authorizes one hundred and fifty-three and some few hundreds to come in each year. Am I correct?

Mr. DICKSTEIN. That is correct.

Mr. MCCORMACK. While the national-origins clause provides a maximum of 150,000, it also provides in addition that certain countries which had no quota before or whose computation would be less than 100, are entitled to the admission of a minimum of 100, and that is the reason why it comes to approximately 153,000.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. MCCORMACK. Yes.

Mr. ROBSION of Kentucky. As I understand it, the gentleman is opposed to the national-origins provision of the present law?

Mr. MCCORMACK. Precisely.

Mr. ROBSION of Kentucky. Does the gentleman favor the quota based on the 1890 census? The present law is based on the 1890 census, as I understand.

Mr. MCCORMACK. Yes; and that is definite and certain.

Mr. ROBSION of Kentucky. Does the gentleman favor the 1890 census as a basis, or some other census—the 1910 census or the 1920 census?

Mr. MCCORMACK. To be frank with the gentleman, his question goes into something that I did not intend to discuss, and I am equally frank in saying that I am rapidly approaching a mental state where I realize that through necessity we must close this open door and bring about some kind of a restriction. Whether that should be based on the 1910 census or the 1890 census is just a question of policy, based upon the necessity.

I can see where conditions might change; where in the years to come through depletion in our population, because of some great catastrophe, for example—and population increases either by a greater number of births than deaths or by an increase in immigration over emigration; that is the only means through which an increase in population takes place—and I can see where a principle applicable to one period might of necessity be changed when applied to conditions in a different period.

Mr. ROBSION of Kentucky. We are legislating for this period.

Mr. MCCORMACK. I have no objection to the present quota, based on the 1890 census.

Mr. GARBER. Will the gentleman yield?

Mr. MCCORMACK. Yes.

Mr. GARBER. The proposed change would greatly facilitate the administration of the law, would it not?

Mr. MCCORMACK. Does the gentleman refer to the national-origins clause?

Mr. GARBER. Yes.

Mr. MCCORMACK. I do not think so.

Mr. GARBER. I mean that the proposed change to a definite basis would greatly facilitate the administration of the law.

Mr. MCCORMACK. The gentleman means the law as it exists at present?

Mr. GARBER. Yes.

Mr. MCCORMACK. I agree with the gentleman. Now, bearing on that, may I call attention to a statement made by the Commissioner General of Immigration in his annual report for 1925, page 29:

"The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin; that it has the advantages of simplicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded."

I am now coming back to 1790. One interesting phase of the evidence about the 1790 census, where it showed a little over 3,000,000 in the 17 States, was in the State of Pennsylvania, as indicating the uncertainty of the 41,000,000 being even approximately a fair estimate of the descendants of the inhabitants as shown in that census.

I do not want to depend upon memory, so let me quote verbatim from the extract which I have here.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. MCCORMACK. In an article written in 1789, as to the immigration into Pennsylvania in the period around 1749, it was said by the writer that—

"In the summer of the year 1749, 25 sail of large vessels arrived with German passengers alone, which brought about 12,000 souls, some of the ships about 600 each; and in several other years near the same number of these people arrived annually."

This is for only a limited period around 1746, and it is fair to assume that some came before and some came afterward, and yet according to the 1790 census there were only 110,000 Germans in the State of Pennsylvania.

But let us go a step further:

"And in some years nearly as many annually from Ireland."

Yet in 1790 there was only an estimated population of 8,000 in the State of Pennsylvania of either Irish birth or Irish descent.

This is some evidence indicating the uncertainty we have in the records prior to 1790. We have absolutely none from 1790 to 1820, and from 1820 our records of ports of entry are entirely unreliable, first, because of giving their birth in the wrong country, in some cases because of necessity; and, second, because the records in the city of New York were destroyed in the Ellis Island fire in 1896. Furthermore, many historical records of the colonial days were destroyed when the British occupied the city of Washington during the War of 1812.

All of these things have brought about an air of uncertainty so that the basis for the determination of national origins is inadvisable, unwise, inequitable, bound to be discriminatory because in the main it is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. MCCORMACK. Yes.

Mr. DICKSTEIN. Under the present quota law Ireland receives a quota of 28,000, but under the national origins law, if it takes effect, Ireland only gets 8,000, thereby losing 20,000.

Mr. MCCORMACK. I think there have been two corrections made since that estimate.

Mr. DICKSTEIN. Is there anything the gentleman can find from his investigation to show how they base that loss, upon what percentage and how far they have gone back?

Mr. MCCORMACK. That basis of 8,330 was an estimate given by Captain Trevor, who, I understand, is the parent of this idea, although the Ku Klux Klan claims the credit for it.

Mr. DICKSTEIN. The parent of this piece of legislation is Mr. Reed. The House never passed it at all.

Mr. MCCORMACK. Yes; in the Senate it was an amendment offered by Senator Reed, of Pennsylvania, and right there let me say that if this law goes into effect it is those of German birth and descent and those of Irish birth and descent in Pennsylvania that in the main can take the blame.

Mr. DICKSTEIN. May I ask the gentleman another question? Senator Reed takes the credit for it, but he borrowed it from Senator Lodge. Does the gentleman know that?

Mr. MCCORMACK. Yes; this Captain Trevor consulted Senator Lodge first, who took him to Senator Reed.

Mr. DICKSTEIN. You will find the date given in the hearings as of March 6, 1924.

Mr. MCCORMACK. There is just one more reference I might make. During the past few days a representative of the American Legion unfortunately made a reference with which I am not in accord. I am sorry he made this reference, because I am a member of the Legion and the two other members of my family, two younger brothers, who constitute the whole family, are also members of the Legion. This representative made a statement which is offensive to all of our citizens, and I hope sincerely that the Legion members throughout the country who might be offended by it will not go to the unwise direction of resigning their membership.

The American Legion is a great body. It is a much-needed body, the same as the Veterans of Foreign Wars, which is another one of our great veterans' organizations, as well as all of the minor organizations which have as their foundation purposes consistent with the progress of our country in establishing traditions which the future generations will be proud of; but in this particular respect, by stating that the Legion is in favor of the national-origins provision, they have taken a position which, if a referendum were submitted to the members of the Legion, would undoubtedly amaze the Members of Congress as to the vote to the contrary in the Legion.

Mr. CONNERY. Will the gentleman yield?

Mr. MCCORMACK. Yes.

Mr. CONNERY. May I say to my colleague that I have just received three telegrams from three Legion posts in Lawrence, Peabody, and Lynn, Mass., saying that the sentiments which the representatives of the Legion gave before the committee are not in accord with the sentiment of the membership of those posts?

Mr. MCCORMACK. I thank the gentleman for his observation. May I say at this time that Mr. Connery recently displayed the finest act of courage that I have ever seen on the part of any legislator when he voted for the reapportionment bill. I hope that his constituents appreciate his type of representation.

May I add the danger of this, Mr. Chairman, is that we are going back 300 years

and making you and me, who are Americans, and consider ourselves Americans, take a position which would destroy the assimilation which all elements and all races have undergone during the past 300 years, and making not only the foreign born of 1920 take a position on this but every one of us, no matter what the origin of our common ancestors who first came to America may have been?

But going back to the American Legion, it has taken a position on quotas. When they take a position favoring the underlying principle of the national-origins clause, they take a position upon the quotas, and when they do that they make a mistake and they exceed the purposes of their organization.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SCHAFER. Will the gentleman yield?

Mr. MCCORMACK. I will.

Mr. SCHAFER. Has the American Legion in convention assembled gone on record in favor of the national-origins scheme for determining the immigration quotas?

Mr. MCCORMACK. I understand they have, yes; but it was very peculiarly worded:

"Therefore be it resolved by the American Legion in convention assembled, That we favor and recommended continuance of the method of restriction upon immigration," That is a primary part, and they may have the right to do that. They could go on record in favor of closed or open or restricted immigration. I do not dispute their authority to do that; but then the resolution continues: "that we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law with its fundamental national-origins provision, so that American citizenship and economic prosperity may be maintained at the highest possible level."

And in a statement to the Senate Committee on Immigration they said:

"We emphatically uphold the theory underlying the national-origins provision, which is that immigration quotas based upon entire population of the Nation is not only the fairest method for selecting immigrants, but is the most certain method," mark this language, "the most certain method of maintaining in the future the blend of population and the racial mixtures as they exist in America today."

In convention assembled they went on record in favor of that because it was the best means "by which prosperity may be maintained at the present time," the resolution read.

It must be borne distinctly in mind that the quotas cannot be disassociated from the principle itself. The going into effect of the clause automatically established the quotas, and when the Legion takes a position on the principle they take a position on the quotas established thereunder.

What those quotas will be are a matter of record. Furthermore, the representative said that it was a question between patriotism and slackerism. I also deny such a question is involved. In support of this argument he cited the number of aliens that claimed exemption in the late war. In the first place, the figures do not present the facts correctly. In the second place, the only inferences to draw therefrom is that the nationals of those countries which will receive a reduced quota by the operation of the national origins were the slackers in the late war. This is not only vicious and unwarranted but false. Such an argument is an attack not only on those foreign-born who were here in 1917–18 but upon all generations of Americans of the same blood or descent. Let us see who they are that will suffer by the operation of the national-origins clause and then we can see what elements of our citizenry were insidiously offended and insulted by this argument.

The French, Swiss, Swedish, Norwegians, Danish, Irish, and Germans. All elements representing our best blood, the equal of any other and second to none. In every great crisis their descendants have proven their love for our flag and our institutions of government as set forth in the Constitution. In the Revolutionary War their representation was outstanding, particularly the Irish and the Germans, and the French Government showed its friendship in a way that occupies one of the foremost pages in our history. Are they slackers? Some may think so, but history records otherwise. During the Civil War alone the Irish and the Germans in the service outnumbered the whole army of the South, and each element, as we are compelled to refer to them under this law, had more men in service than any other element of our citizenry. And, yes; after the war was over, and when the men of the South had laid down their arms, and after the death of the great President, which was an unfortunate event for the South at that time, an unthinking North imposed conditions upon the South that were unbearable and inhuman. In the dark days of the carpet-bagging period of the days of reconstruction following the war the only voice raised in Congress for the South were the Representatives in Congress from the city of New York, all of Irish descent, and Charles Francis Adams, of Massachusetts. It was their voices that finally brought about some degree of reason.

Mr. SCHAFER. Will the gentleman yield?

Mr. MCCORMACK. I yield.

Mr. SCHAFER. Then the American Legion did not go on record in favor of the national-origins clause?

Mr. MCCORMACK. All I know is what it says in this statement, and from that I draw certain inferences. The gentleman's inferences are as good as mine. I am going to rely on my inference and I do not think the gentleman and I will have any dispute. May I further say to the gentleman that the great agricultural districts of the country have been brought to their present high level by that class of immigrants which the national-origins scheme will discriminate against, and I hope it will be brought to a higher state by the enactment of legislation which will be carrying out the platforms of both parties.

Mr. SCHAFER. I will state that the people of the great State of Wisconsin are absolutely opposed to the national-origins clause, and so are the members of the American Legion in my State. I am not talking about the few officers who may claim to speak for the Legion. The national-origins clause should be repealed. The gentleman is making a fine argument for its repeal.

Mr. MCCORMACK. Some argument has been advanced on the question of certain nationals failing to assimilate. What is the best test of assimilation? To me it is what percentage of immigrants from different countries indicate their permanence and love for America by becoming a citizen. The records of the census of 1920 are interesting in this respect. I will simply read it and allow you to draw your own conclusions:

"The census of 1920 shows that the foreign born from England proper, who were here when that census was taken and who were naturalized, is 64.8; Scotland, 65.6; Wales, 73.5; Ireland, 72.3; Norway, 67.3; Sweden, 69.5; Denmark, 69.6; Netherlands, which has a marked gain, 58.1; Belgium, which has a gain, 55.3; Switzerland, 64.9; France, 60.1; Germany, 73.3; Canada, French, 47.0; Canada, others, 58; and other countries, ranging from 44.7 down to 8.9, every one of the latter of which, under national origins, will gain, with the exception of Rumania."

The argument has also been advanced by certain people that America must maintain a British ascendancy in order that our institutions of Government might be preserved. They say that the operation of the national-origins clause will bring that situation about. Since when has the United States had to depend upon any other country for its existence? The last time that history records that we were a dependency of England was prior to 1776. Yorktown, with its victory, brought about the consummation of our independence. In that conflict for independence, 10,000 men of Irish blood served from Massachusetts alone. Those of German descent, particularly from Pennsylvania, showed their love for the cause of freedom. Likewise, those of Swiss, Swedish, French, Scotch, and other nativities, rendered yeoman service. No one excelled the other. They fought inspired.

We cannot deny, and would not want to deny it, that those of English blood and extraction have contributed in every way in the settling of the Colonies, in the war for independence, and in building up our country and protecting it in time of danger, but we should not discriminate against others who have likewise done their duty.

The operation of the national-origins clause is an affirmative statement by the Congress of the United States that the continuity of our Government is dependent upon England. Such a declaration of subservience should be abhorrent to all who consider themselves Americans.

Mr. Chairman, both parties through their standard bearers in the recent campaign went on record as favoring the repeal of the national-origins clause. Between now and March 4 action will have to be taken in order to prevent its operation. While both parties have responsibilities, the party in the majority will be directly responsible for this iniquitous, discriminatory law unless proper action is taken to repeal or defer its operation. [Applause from both sides of the aisle.]

I have received the following telegrams from American Legion posts:

SOUTH BOSTON, MASS., *February 14, 1929.*
Hon. JOHN W. MCCORMACK,
House of Representatives,
Washington, D. C.:

Post opposed to statement of Legion representatives. Do not know of any slackers in this district of nationals mentioned. District predominantly Irish. Exceeded quota in every instance. * * *

COLUMBIA POST, NO. EV, AMERICAN LEGION,
JAMES F. VAUGHAN, *Commander.*

BOSTON, MASS., *February 11, 1929.*
Hon. JOHN W. MCCORMACK,
Congressman, Washington, D. C.:

Michael J. Perkins Post, American Legion, resents any individual attempting to represent the thought of the American Legion when he says that our neighbors in Europe, whether they be Scandinavian, Jews, English, Greek, Polish, or Irish, are alien slackers. Fortunately our allies and ourselves united as one people. * * *

JOHN J. LYDON, *Commander.*

Mr. DOLLINGER. Mr. Speaker, I voted against the McCarran-Walter omnibus immigration bill when it came before the House, and I am happy to have the opportunity to vote to sustain the President's veto of the measure at this time.

Inasmuch as we have had no good, constructive legislation on immigration for 27 years, it was hoped that the bill presented to us for action would be reasonable and practicable; that it would cure the basic prejudices and discrimi-

natory ills found in the laws now in effect. This was not our good fortune. It is essentially an exclusionist bill; as the President puts it:

> None of the crying human needs of this time of trouble is recognized in this bill.

It is a bill which ignores elementary standards of fairness in dealing with aliens; in the President's words:

> Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike, at a time when we need unity at home and the confidence of our friends abroad.

The McCarran-Walter bill, in my opinion, contains more inequities than any immigration bill ever passed by Congress, instead of allowing us to show a more humane attitude toward immigration, it threatens to close our doors tighter than ever. It perpetrates a grave injustice upon the peoples of Southern and Eastern Europe. The National Origins formula adopted in 1929 discriminates against them and the bill before us makes the National Origins legislation even more rigid and exclusive. It will reduce to a minimum the number of those admitted from Italy, Greece, Austria, Hungary, Poland, and Yugoslavia.

As for nations like Estonia, Latvia, and Lithuania, now behind the iron curtain, the excuse is made that there is no need for immigration legislation in their favor, but I am concerned about refugees from those countries and that in the displaced-persons legislation their quotas have been frozen for years to come. Our regular immigration legislation prevents even a single Austrian from coming here before 1955; any Latvian before 2074; no Lithuanians can be admitted before 2087, and not one Pole before 1999. The only hope refugees from those countries have in gaining entrance to the United States is by special legislation which would remove immigration restrictions; the McCarran bill continues to freeze all quotas originally included in the Displaced Persons Act.

As the leading nation of the world, we have held ourselves out to be democratic, generous, and in sympathy with the oppressed peoples of other nations who seek shelter within our boundaries. Passage of the Displaced Persons Act and its amendments bore out our kindly intentions. Enactment of the McCarran-Walter bill, with its glaring inequities and prejudices, will greatly jeopardize our standing among nations, and our international relations are bound to suffer.

This omnibus immigration bill also fails to provide adequate protection to those threatened with deportation; there is not effective provision for hearings held in deportation cases. It makes it far too easy for the Immigration Bureau to deport people; it would pave the way for the Attorney General to deport an alien for any one of a variety of causes, or to denaturalize a person who may have been a United States citizen for years. The persons affected and being proceeded against are entitled to a fair hearing and necessary protection should be given them under the law.

Our country became great because we opened wide the doors to all who wished to come. Peoples from every country have contributed to our growth, culture, and strength. There should be equality for all in the immigration laws we pass—one nation should not be placed above another.

We can afford to continue to be generous. Certainly, our aim should be to eliminate the inequities and prejudices in our present immigration laws—not to enhance them.

Enactment of this bill will damage our standing as a nation; it will saddle us with poor, unfair, discriminatory laws; it will cause untold hardship to countless persons. Indeed, the bill, considering all its provisions, would be a step backward and not a step forward.

We should sustain the President's veto and work for a measure we can be proud of.

Mr. HELLER. Mr. Speaker, I want to add my voice in support of the President's action in vetoing the McCarran-Walter immigration bill. The President acted bravely and humanely. He acted in the best American traditions and in the best interests of the American people.

While the aim of the McCarran-Walter measure was to codify and revise our immigration and naturalization laws, the bill as it was actually presented to us proposes to write into basic legislation the most discriminatory and restrictive immigration policy this country has ever known. The bill also contains major threats to our civil liberties, to the promulgation of our foreign policy, and to our democratic way of life.

For these reasons I voted against this measure when it first came up in the House last April, and I shall vote to sustain the President's veto.

This bill is a dangerous piece of legislation and a threat to the future of our country because the system it prescribes and the methods it proposes are those of the totalitarian and Communist state, or police-state methods. In these crucial days, it is worth while to stop for a moment and reflect upon the direction in which we are heading. Let us remember that even in the worst crisis faced by the American people in the past, they never backed down on their democratic principles and beliefs.

Ours is a government of laws, rather than of men. Our liberties and our way of life must be protected through laws, rather than by dictators.

The McCarran-Walter immigration bill is a step in the direction of dictatorship and police methods. As such, it is contrary to American ideals, principles and traditions. I am happy once again to cast my vote against this bill and I urge all my colleagues to uphold the President's action.

Mr. WALTER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 278, nays 113, not voting 40, as follows:

[Roll No. 119]

YEAS—278

Abbitt	Fernandez	Mills
Adair	Fisher	Mumma
Allen, Calif.	Ford	Murdock
Allen, Ill.	Forrester	Murray
Andersen, H. Carl	Fugate	Nelson
Anderson, Calif.	Gamble	Nicholson
Andresen, August H.	Gary	Norblad
Andrews	Gathings	Norrell
Angell	Gavin	O'Hara
Arends	George	O'Konski
Armstrong	Golden	Passman
Auchincloss	Goodwin	Patman
Bailey	Graham	Patten
Baker	Granger	Perkins
Barden	Grant	Phillips
Baring	Greenwood	Poage
Bates, Mass.	Gregory	Polk
Battle	Gross	Potter
Beall	Gwinn	Poulson
Beamer	Hagen	Preston
Belcher	Hale	Priest
Bender	Hall, Leonard W.	Prouty
Bennett, Fla.	Halleck	Rains
Bennett, Mich.	Harden	Reams
Bentsen	Hardy	Redden
Berry	Harris	Reed, Ill.
Betts	Harrison, Nebr.	Reed, N. Y.
Bishop	Harrison, Va.	Rees, Kans.
Blackney	Harrison, Wyo.	Regan
Boggs, Del.	Harvey	Riehlman
Boggs, La.	Hays, Ark.	Riley
Bolton	Hébert	Rivers
Bonner	Hedrick	Roberts
Bosone	Herlong	Robeson
Bow	Hess	Rogers, Fla.
Boykin	Hill	Rogers, Mass.
Bramblett	Hillings	Rogers, Tex.
Bray	Hinshaw	St. George
Brehm	Hoeven	Saylor
Brooks	Hoffman, Ill.	Schenck
Brown, Ga.	Hoffman, Mich.	Scott, Hardie
Brown, Ohio	Holmes	Scrivner
Brownson	Hope	Scudder
Bryson	Horan	Secrest
Budge	Hull	Shafer
Buffett	Hunter	Sheehan
Burleson	Ikard	Sheppard
Burnside	Jackson, Calif.	Short
Burton	James	Sikes
Busbey	Jarman	Simpson, Ill.
Bush	Jenison	Simpson, Pa.
Butler	Jenkins	Sittler
Byrnes	Jensen	Smith, Kans.
Camp	Johnson	Smith, Miss.
Carrigg	Jonas	Smith, Va.
Chatham	Jones, Ala.	Smith, Wis.
Chelf	Jones, Mo.	Springer
Chenoweth	Jones, Hamilton C.	Stanley
Chiperfield	Jones, Woodrow W.	Stockman
Church	Judd	Taber
Clevenger	Kearney	Talle
Cole, Kans.	Kearns	Teague
Cole, N. Y.	Kilburn	Thomas
Colmer	Kilday	Thompson, Mich.
Combs	King, Pa.	Thornberry
Cooley	Lanham	Tollefson
Cooper	Lantaff	Trimble
Corbett	Larcade	Vail
Cotton	Latham	Van Pelt
Coudert	LeCompte	Van Zandt
Cox	Lind	Velde
Crawford	Lovre	Vorys
Crumpacker	Lucas	Vursell
Cunningham	McConnell	Walter
Curtis, Mo.	McCulloch	Watts
Curtis, Nebr.	McDonough	Weichel
Dague	McGregor	Werdel
Davis, Ga.	McIntire	Wharton
Davis, Wis.	McMillan	Wheeler
Deane	McMullen	Whitten
DeGraffenried	McVey	Widnall
Denny	Mack, Wash.	Wigglesworth
Devereux	Mansfield	Williams, Miss.
D'Ewart	Marshall	Williams, N. Y.
Dolliver	Martin, Iowa	Willis
Dondero	Martin, Mass.	Wilson, Ind.
Dorn	Mason	Wilson, Tex.
Doughton	Meader	Winstead
Durham	Merrow	Withrow
Elliott	Miller, Md.	Wolcott
Ellsworth	Miller, Nebr.	Wolverton
Elston	Miller, N. Y.	Wood, Ga.
Fallon		Wood, Idaho

NAYS—118

Anfuso	Hart	Morgan
Ayres	Havenner	Morrison
Bakewell	Hays, Ohio	Moulder
Barrett	Heffernan	Multer
Blatnik	Heller	Murphy
Bolling	Herter	Murray
Buchanan	Heselton	O'Brien, Ill.
Buckley	Holifield	O'Brien, Mich.
Canfield	Howell	O'Brien, N. Y.
Cannon	Irving	O'Neill
Case	Jackson, Wash.	Osmers
Celler	Javits	Ostertag
Chudoff	Karsten, Mo.	O'Toole
Clemente	Kean	Patterson
Crosser	Keating	Philbin
Dawson	Kelley, Pa.	Price
Delaney	Kelly, N. Y.	Rabaut
Denton	Kennedy	Radwan
Dingell	Keogh	Rhodes
Dollinger	Kerr	Ribicoff
Donohue	Kersten, Wis.	Rodino
Donovan	King, Calif.	Rogers, Colo.
Doyle	Kirwan	Rooney
Eberharter	Klein	Roosevelt
Engle	Kluczynski	Ross
Feighan	Lane	Sadlak
Fine	Lesinski	Scott, Hugh D., Jr.
Flood	McCarthy	Seely-Brown
Fogarty	McCormack	Shelley
Forand	McGrath	Sieminski
Fulton	McGuire	Spence
Furcolo	McKinnon	Staggers
Garmatz	Machrowicz	Taylor
Gordon	Mack, Ill.	Wier
Granahan	Madden	Yates
Green	Magee	Yorty
Hall, Edwin Arthur	Miller, Calif.	Zablocki
Hand	Mitchell	
	Morano	

NOT VOTING—40

Aandahl	Evins	Richards
Abernethy	Fenton	Sabath
Addonizio	Frazier	Sasscer
Albert	Gore	Steed
Allen, La.	Kee	Stigler
Aspinall	Lyle	Sutton
Bates, Ky.	Mahon	Tackett
Beckworth	Morris	Thompson, Tex.
Burdick	Morton	Vinson
Carlyle	Pickett	Welch
Carnahan	Powell	Wickersham
Davis, Tenn.	Ramsay	Woodruff
Dempsey	Rankin	
Eaton	Reece, Tenn.	

So (two-thirds having voted in favor thereof) the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. Fenton and Mr. Reece of Tennessee for, with Mrs. Kee against.

Mr. Abernethy and Mr. Vinson for, with Mr. Addonizio against.

Mr. Eaton and Mr. Morton for, with Mr. Aspinall against.

Until further notice:

Mr. Rankin with Mr. Woodruff.

Mr. Wickersham with Mr. Aandahl.

Mr. Dempsey with Mr. Burdick.

Mr. MURPHY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may insert their remarks in the RECORD on the veto message, prior to the roll call.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, it happens that my first speech in Congress in February 1929 was against the national origins clause. I ask unanimous consent in connection with my remarks that I may include the speech I made in the House in February 1929.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(Mr. FINE asked and was given permission to revise and extend his remarks.)

AMENDING THE FIRST WAR POWERS ACT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2421) to amend the act of January 12, 1951 (64 Stat. 1257) amending and extending title II of the First War Powers Act 1941 and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. CELLER. Mr. Speaker, I want to say firstly that this bill has the unanimous vote of the Committee on the Judiciary. It seeks to extend title II of the First War Powers Act for 1 year. Those powers expire on Monday next, and in a word they empower the Department of Defense to make certain fair and equitable amendments and changes in procurement contracts. For example, in some instances there is permitted extension of delivery dates in appropriate cases and the making of advance payments or partial payments where such payments would not otherwise be authorized. It has permitted the emergency sale of spare parts to civil airlines when necessary to keep airlines operating.

Mr. MARTIN of Massachusetts. I understand it is chiefly a matter concerning the Department of Defense, and it is a unanimous report on the part of the committee?

Mr. CELLER. Substantially the Department of Defense—not completely but substantially the Department of Defense. There is a safeguarding provision, namely: the Comptroller General must pass upon all these changes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of January 12, 1951 (64 Stat. 1257), is hereby amended by striking out "1952" and inserting in lieu thereof "1953".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATION ACT, 1953—CONFERENCE REPORT

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H. R. 7072) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1953, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 25, 1952.)

Mr. THOMAS. Mr. Speaker, I understand there will be a motion to recommit by our distinguished colleague from California [Mr. PHILLIPS]. In order to be perfectly fair in the matter, I understand I have 1 hour, and I want to yield one-half of that to the gentleman from California [Mr. PHILLIPS]. We will have only two or three speakers on this side and I would like to close debate so if the gentleman will use his 30 minutes it will be fine.

Mr. PHILLIPS. I thank the gentleman, and, in accepting the terms of that offer, I yield myself 10 minutes.

(Mr. PHILLIPS asked and was given permission to revise and extend his remarks.)

Mr. PHILLIPS. Mr. Speaker, the hour is late, and the question before us, grouped as one problem, is a very simple problem.

The conference report on independent offices, when we went to conference with the Senate, had 132 points at issue. Several of those were technical points. The important point is that out of the entire lot, the committee of conference was in agreement upon all those which I can now group.

In order to save time, the minority managers on the part of the House, did not sign the report and I shall explain our reasons for that. I shall also say that in order to save time we will not attempt, as the items are read by number in the conference report, to amend or change or to return any of those at that time. At the proper time I shall offer a motion to recommit, and in order that this matter may be clear in the discussion I shall read the motion to recommit:

I move to recommit the bill H. R. 7072 to the committee of conference with instructions to the managers on the part of the House to insist on the House provisions on the number of housing units to be commenced in fiscal 1953—

Which is item 47—

to insist on the inclusion of the money necessary for new hospital construction.

This is for veterans' hospitals and appears as item 82—

to insist on the orderly formula for personnel replacement contained in the so-called Jensen amendment.

That is item 128, which I shall further explain—

and further to insist on the Senate provisions for the appropriations for maritime training.

Items 97 to 103, inclusive.

There was one other item because of which the minority members did not sign the report, and that had to do with the number of steam plants for the Tennessee Valley Authority. But since it is a small matter, whether we discuss it in this conference report or whether we discuss it tomorrow when the supplemental bill comes up, the minority members with whom this was discussed decided not to include that in the motion to recommit.

Why do we bring this back? Because when this subcommittee came to you with the independent offices bill we said to you that these were our best opinions, and in several of those cases, by recorded vote upon the floor, you changed our decisions. We felt that we did not have the right to accept in conference the changes which were made in the Senate and concurred in by a majority of the conferees without bringing it back to the floor for action.

On the floor on March 20 we proposed 25,000 houses. The gentleman from Texas [Mr. FISHER] offered an amendment limiting that to 5,000 houses. This was carried by a recorded vote. The Senate changed this to 45,000 houses, and by a vote of approximately 2 to 1 in the conference 35,000 houses would be permitted to be started in fiscal year 1953.

There are many people upon this floor who believe that that is a larger number of houses than should be permitted to be started in the fiscal year 1953, and you will have an opportunity to express your opinion whether you agree with the people who think that way.

On the matter of the Jensen amendment I want you to understand thoroughly what the situation is, because I, for one, think it is very important. Actually, in many of the individual agencies for which we are providing money we, between the House and Senate, have cut the amount to an amount equal to or less than the amount which would have been provided in the Jensen amendment. The question therefore arises, why do I ask you to vote on the Jensen amendment to authorize us to insist upon the orderly formula for personnel replacement? Because if we do not insist upon this and send us back to conference the head of an agency, included in this bill, will have the right to remove people to meet the reductions in money and, therefore, in personnel, at his judgment.

The Jensen amendment provided a formula by which people who left the agency for any reason, voluntarily or otherwise, would not be replaced until these figures were reached; and I, for one, think that is an important amendment and that we should insist upon it.

I do not believe that this House knowingly would permit the figure to stand for the Veterans' Administration hospitals. The Senate cut out all construction for the new hospitals for veterans, leaving us in this situation—and please, Mr. Speaker, I do not stand here to defend the number of hospitals that have been built, the number of beds in the hospitals that have been built, or the location of the hospitals that have been built. For 10 years I have been endeavoring to induce the Veterans' Administration to make a re-evaluation of the veterans' hospital program. We have built these hospitals, whether or not they were correct; we have built them of a size which may or may not have been correct, and now when we reach the greatest need of all, the need for neuropsychiatric hospitals, with one stroke the other body cuts out the money for the neuropsychiatric hospitals, the NP hospitals.

In the program there were four hospitals, one to be built in the Middle West—that was not in this money and that will come next year—one to be built in the Middle West, Cleveland, of a thousand beds; and two to be built on the west coast of a thousand beds each. We have leveled ground for one of them and have asked for bids. We have acquired the land for the other. We would have to stop the bids and pay a penalty.

We may have put hospitals in the wrong place, we may have built too many general medical and surgical hospitals, but we cannot today deny the hospitals most needed for the veterans where the veterans are today and not where they used to be 10 years ago.

And so, in conclusion, because I do not wish to delay the House, it seems to me that the House should send us back to conference on the four items I have indicated in this particular motion to recommit.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. VAN ZANDT. The four hospitals that have been cut out by the Senate, is that in addition to the 16,000 beds the President took away from the VA some years ago?

Mr. PHILLIPS. That is correct as I understand it.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mrs. ROGERS of Massachusetts. I understand the conferees have approved the full amount of the budget estimate for research, including work in connection with prosthetic appliances. There is to be no reduction in the number of nurses, dieticians, and so forth?

Mr. PHILLIPS. That is correct.

The SPEAKER. The time of the gentleman from California has expired.

Mr. PHILLIPS. Mr. Speaker, I yield myself two additional minutes.

Mr. COTTON. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from New Hampshire.

Mr. COTTON. I am sure that the gentleman from California will agree with me when I interpolate this observation. I think those of us representing the minority side of the subcommittee have always admired greatly our chairman, the distinguished gentleman from Texas [Mr. THOMAS]. I, for one, never admired him so much as in the course of the conference on this bill. He did a truly magnificent job and he came back with a magnificent victory on almost all of the 130 items. He saved the important language in the housing clause, he saved the important Thomas rider, he saved a great deal of the matters that are very important in this bill. I am sure the gentleman from California will agree that it is only because of the solemn vote taken in this House on the housing question and on the matter of veterans' hospitals as well as the Jensen amendment that compels us to come back to make sure that the House passes on those vital questions; is that correct?

Mr. PHILLIPS. The gentleman makes my peroration for me. That is exactly the situation. We greatly admire the gentleman from Texas [Mr. THOMAS] and, furthermore, we bring this bill back with an unusual condition in it—with less money than when it left the House. I think this marks a milestone in the relations between the two bodies.

Mr. SEELY-BROWN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Connecticut.

Mr. SEELY-BROWN. Will the gentleman explain to us why we have to consider all four of these together?

Mr. PHILLIPS. Because all four are in the minds of some people. You may not be interested in all four, other people are not interested in the ones you are interested in.

I neglected to say anything about the maritime appropriation. I will not go into it at length, but it has to do with the maritime training schools which is an obligation of the Federal Government and which I feel is important.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Is there any possibility under the present procedure to have the four items divided as separate amendments so that there could be separate votes on each one?

Mr. PHILLIPS. No; I am making them as one motion to recommit.

The SPEAKER. The time of the gentleman from California has expired.

Mr. PHILLIPS. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, I simply want to explain some points of the Jensen amendment. I want every Member of this body to know that there is nothing in the Jensen amendment any place which keeps a department from reducing its personnel to a greater degree than what is provided for in the Jensen amendment. Also on items which the committee and the conferees have reduced to a greater degree than is provided in the Jensen amendment the figures in the bill still hold good. In other words, the Jensen amendment